

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	3:11-CV-00041-CRW-TJS
)	
)	
)	
HILL COUNTRY FARMS, INC., d/b/a HENRY'S TURKEY SERVICE)	
)	
)	
Defendant.)	

PLAINTIFF EEOC'S PROPOSED JURY VOIR DIRE QUESTIONS

COMES NOW the Plaintiff Equal Employment Opportunity Commission, and pursuant to the Court's Order setting Pretrial matters, hereby files its list of Proposed Jury Voir Dire Questions.

1. Do you know any of the attorneys involved in this case:

Attorneys: Robert Canino, Dallas, TX, U.S. EEOC
David Scieszinski, Wilton, IA

Parties and
Witnesses: Kenneth Henry
T.H. Johnson (deceased)
Randy Neubauer
Dru Neubauer
Danny Miles
Expert Witness Dr. Sue Gant
(Iowa Resident Witnesses- List)

2. Have you, or a family member or close friend served as an owner, officer or manager of a company with 15 or more employees.

3. Have any of you ever been involved in a business that has contracted to work with another business to provide workers.
4. Has anyone held a job in which you have had management or supervisory responsibilities (for hiring, firing, or discipline)?
5. Have you, a family member or close friend ever had a charge or complaint of discrimination filed against you by a state or federal agency?
6. Have you or anyone in your family been employed with the West Liberty Foods turkey plant, or do you know anyone who works there.
7. Have you or a family member ever been involved in the turkey processing business?
8. Have any of you ever had business dealings or experience with a company called Hill Country Farms, Inc. or Henry's Turkey Service?
9. Do any of you believe that Congress and the federal government should not be involved in making and enforcing laws that prohibit discrimination against persons with disabilities?
10. Do any of you believe that employers should not be expected to provide persons with intellectual disabilities the same opportunities and benefits of employment as non-disabled persons?
11. Do any of you tend to believe that an employer, or a person in a management or supervisory position is generally more credible or likely to tell the truth than the lowest level employee in an organization?
12. Is there anyone who believes that a person who is not intellectual disabled is more likely to tell the truth than a person who is intellectually disabled?
13. Is there anyone who believes that a person with an intellectual disability is not someone whose testimony can generally be relied upon to adequately determine the important facts in a case?
14. Is there anyone who has ever been accused or disciplined for harassing or bullying other persons at the workplace?
15. The EEOC may decide not to call the intellectually disabled persons alleged to be victims of discrimination to the witness stand because of the nature of the case and the nature of the disabilities involved. Is there anyone on the jury who feels they could not render a verdict for the alleged victims, even if there is enough evidence to prove a violation, but the alleged victims do not personally testify.

16. If you find a violation of federal law against the Defendant, you'll be asked by the EEOC to award what are called compensatory damages, which are damages for injuries that are not tangible or easily measured, such as emotional pain, suffering, mental anguish, humiliation, embarrassment, inconvenience and loss of enjoyment of life. If, at the completion of the trial, the Judge instructs you that monetary damages may be awarded, is there anyone who would be unable or unwilling to award compensatory damages for these emotional harms?
17. Is there anyone who thinks that because many other things in life can cause us emotional anguish, a person should not recover compensatory damages for being subjected to harassment and other forms of discrimination?
18. Do any of you believe that a person who is intellectually disabled does not experience the same kinds of emotions or feelings that you may feel, such as anxiety, fear and sadness?
19. Is there anyone who believes that an intellectually disabled person does not experience the same kind of physical pain and discomfort that other persons do?
20. Other than considering compensatory damages, if you find that defendant either recklessly or maliciously violated the federal civil rights of the disabled class members in this case, you'll be asked by the EEOC to award a separate amount for what are called punitive damages. Punitive damages are intended to punish the defendant for its wrongs and to deter future discrimination. Is there anyone who feels that even if there is a proven basis, you would be unable or unwilling to award punitive damages?
21. Have you ever been a juror in a case? If so what was the nature and outcome of the suit?
22. Is there anything about that experience that would prevent you from being a fair and impartial juror in this civil action?

Respectfully submitted,

/s/ Robert A. Canino
ROBERT A. CANINO
Regional Attorney
Oklahoma State Bar No. 011782

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Dallas District Office
207 South Houston Street, 3rd Floor
Dallas, Texas 75202
TEL (214) 253-2750
FAX (214) 253-2749

**ATTORNEY FOR PLAINTIFF
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

CERTIFICATE OF SERVICE

This is to certify that on April 15, 2013, I electronically transmitted the attached document to the Clerk of the Court using the ECF system of filing, which will transmit a Notice of the Electronic Filing to Defendant's counsel, who is an EFC registrant.

David Scieszinski
Attorney for Hill Country Farms, Inc.
d/b/a Henry's Turkey Service
dvdls@netwtc.net

/s/ Robert A. Canino